THE HONOURABE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12326 OF 2005

31st January, 2006

Between:

E.Vasudeva Reddy and Others …Petitioners

A N D

1. The Government of Andhra Pradesh, rep. by District

Collector, Chittoor and Others

…Respondents

THE HONOURABE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12326 OF 2005

O R D E R :

1. This writ petition has been filed by the petitioners who are 25 in numbers with a prayer to issue an appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in trying to dispossess from their respective lands without giving any notice or opportunity and without following due process of law as being illegal and arbitrary.

2. This is second round of litigation. In the earlier round of litigation the petitioners approached this Court complaining that their applications for grant of pattas under Andhra Pradesh (Agency Area) Estates Abolition and Conversion into Ryothwari Act, 1948 have been kept pending by the authorities. The writ petition filed by the petitioners being W.P.No.5600 of 2004 came to be disposed of on 25-2-2004. The relevant portion of the order passed in the said writ petition read as follows:

> "*The main grievance of the petitioners is that even though the settlement cases are taken on file on 6-5-1999, so far no orders are passed by the first respondent. In the circumstances, I am not inclined to express any opinion on the merits of the case. However, I deem it appropriate to direct the first respondent to hear the said settlement cases and dispose of the same, if not already done and pass appropriate orders in accordance with law expeditiously, preferably, within a period of three months from the date of receipt of a copy of this order".*

3. The petitioners filed the instant writ petition complaining that the respondents are interfering with their possession without following due process of law. It is averred in para 4 of the writ affidavit as follows:

> "*I submit that on behalf of the Ryots of Daminedu Revenue village one Mr. Subbarami Reddy and one Nagireddy filed Claim petitions before the concerned authorities and also filed innumerable representations and the same are still pending. I submit that the claim petitions filed by the ryots was given a case No. as S.R.No.220/11(a)/63. I submit that since the Settlement Officer though fixed the date of hearing as long back as in the year 1999, aggrieved by the said action we filed WP No.5600/2004 before this Honourable Court and the same has been disposed off with a direction to the respondents therein to dispose of the case within three months from the date of receipt of a copy of the order if not, already disposed off by an order dated 25-3-2005.*

4. Third respondent filed counter affidavit. It is stated in the counter affidavit that no such application of the petitioners is pending for grant of patta under the provisions

of the Andhra Pradesh (Andhra Area) Estates Abolition and Conversion into Ryothwari Act. It is further stated in the counter affidavit that the land in Survey No. 172/1 of Daminedu village admeasuring Ac.28-48 cents was handed over to Housing Corporation on 28-05-2005 for construction of permanent houses under Urban Housing Programme to the weaker sections. The Housing Corporation levelled the land to make it fit for construction of houses under the said housing programme.

5. Heard learned counsel for the petitioners and learned Government Pleader appearing for the Respondents.

6. Learned counsel appearing for the petitioners submits that the relief sought for in the writ petition is very limited i.e. giving direction to the Respondents not to dispossess the petitioners, except in accordance with law.

7. Whereas, it is submitted by the learned Government Pleader appearing for the respondents that the possession of the land has already been taken and the same has been allotted to the Housing Corporation for construction of the houses to the weaker sections. He further submits that neither the petitioners nor their fore father's applications are pending for consideration for grant of pattas and therefore, the petitioners cannot claim over it. Since, respondents came up with a specific assertions that the possession has already been handed over to Housing Corporation, I am not inclined to go into the aspect as to who is in possession of the property as on this day.

8. In view of the above, this writ petition is disposed of giving liberty to the petitioners to workout their remedies available in accordance with law. No order as to costs.

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Justice B.Seshaayana Reddy

31st January, 2006

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THE HONOURABE SRI JUSTICE B.SESHASAYANA REDDY

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